

**Restricted Disclosure of Arrests or Convictions
Under I.C. 35-38-5-5.5 or I.C. 35-38-8 et seq.**

What is restricted disclosure?

Under certain circumstances, individuals who have been arrested and/or convicted of certain crimes in the past may have the release of information about those crimes restricted. Any case that has been restricted will not show up on a criminal history check by noncriminal justice organizations or individuals. The restricted case is not expunged (erased) from the criminal history, it is just not available to the requesting noncriminal organization or individual. However, sometimes, the requesting party may petition a court to release the restricted criminal history. Criminal Justice organizations will continue to have access to these records.

Who is eligible to have past criminal cases restricted from a criminal history check?

Indiana Code 35-38-5-5.5 may be available to a person who has been:

- arrested for an offense that was not charged; or
- arrested for an offense that was later dismissed; or
- charged with a crime(s) and later acquitted of all criminal charges; or
- convicted of an offense and the conviction was later vacated.

Indiana Code 35-38-8-1 through 7 is available to a person who :

- Has been convicted of a class A misdemeanor or class D felony that did not result in injury to another person; and
- Files the petition to restrict disclosure at least eight (8) years after the date the person's sentence was complete and all obligations associated with that sentence have been satisfied; and
- Has had no felony offenses charged since the completion of all of the obligations associated with the crime(s) for which Petitioner is seeking restricted disclosure; and
- Is not a sex or violent offender.

How to request restricted disclosure of a criminal case:

- Select the applicable petition and provide all of the information requested. Failure to complete all of the petition may result in the request being denied by the court.
- A separate petition must be completed for each case for which an individual wants disclosure restricted.

- After the petition is complete, it must be filed in the court where the case was originally charged.
- If there was an arrest, but there was no criminal charge filed, the completed petition should be taken to the Marion County Clerk's Office, City-County Building, Suite T-644, 200 East Washington Street, Indianapolis, IN, to be filed.

The person filing the petition to restrict disclosure must also provide the applicable order and six (6) stamped envelopes addressed to the Petitioner and the agencies or organizations that will be receiving the order from the court.

If there are any questions, contact the Office of the Marion County Clerk (317-327-4733).

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7. Petitioner is not a sex or violent offender.
8. If the conviction was for sexual misconduct with a minor, Petitioner has submitted proof that the defenses provided under I.C. 35-42-9(e) apply to Petitioner.
9. Petitioner has not been convicted of a felony since completing the sentence and all obligations imposed by the sentence.
10. The Petitioner is serving a copy of this document on the Marion County Prosecutors Office and the Indiana State Police, which maintains the state central repository for records.

WHEREFORE, the Petitioner, respectfully requests this Court to direct all law enforcement agencies, the state central repository for records, the Marion Superior Court Administrator's Office, and any other agencies that have provided services to Petitioner under court order, to restrict disclosure of the conviction of Petitioner in this cause, including any record and notations of the arrest and charges, to all noncriminal justice organizations or individuals without a court order.

Respectfully submitted,

Petitioner

VERIFICATION

I affirm, under the penalties for perjury, that the foregoing representations are true and accurate.

Petitioner

**IN THE MARION SUPERIOR COURT
CRIMINAL DIVISION, ROOM _____
CAUSE NO. _____**

ORDER RESTRICTING ACCESS TO RECORDS OF CONVICTION UNDER
IC 35-38-8 et seq

restrict disclosure of criminal convictions pursuant to I.C. 35-38-8 et seq, as follows:

(H.I.)

After review of said petition and upon due consideration, the Court finds that:

1. Said petition complies with the requirements of I.C.35-38-8;
2. Petitioner was convicted of a misdemeanor or a Class D felony that did not result in injury to a person;
3. It has been at least eight (8) years since Petitioner has completed the sentence imposed for said conviction and all obligations associated with that sentence;
4. Petitioner has not been convicted of a felony offense since the completion of the sentence imposed in this cause, and the satisfaction of all obligations associated with that sentence; and
5. Petitioner is not a sex or violent offender and/or Petitioner's status as a sex or violent offender is solely due to a conviction for sexual misconduct with a minor and the defense provided under 35-42-4-9(e) applies to Petitioner.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT the agencies listed below shall not permit any records, documents or information relating to:

[Insert name of Petitioner, DOB, Cause Number of case, Date of Arrest]

be disclosed to noncriminal justice organizations as part of Petitioner's limited criminal history.

IT IS FURTHER ORDERED THAT the agencies and/or organizations listed below shall not release said records or information to a noncriminal justice organization without a court order:

Marion County Sheriff's Department
Indiana Department of Corrections

Indianapolis Metropolitan Police Dept.

So Ordered this _____ day of _____, 20____.

JUDGE/JUDICIAL OFFICER
Marion Superior Court
Criminal Division, Court _____

Distribution To:

Petitioner: _____

Address: _____

Indianapolis Police Department
Criminal Records Processing (Identification and Records)
50 North Alabama
Indianapolis, Indiana

Indiana State Police
Records Division
Indiana Government Center North
100 North Senate Avenue
Indianapolis, Indiana